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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARYBefore the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Implementation of) MD Docket No. 94-19
Section 9 of the)
Communications Act)
)
Assessment and Collection)
of Regulatory Fees for the)
1994 Fiscal Year)

To: The Commission

COMMENTS
OF THE
INDUSTRIAL TELECOMMUNICATIONS ASSOCIATION, INC.

The Industrial Telecommunications Association, Inc. ("ITA"), pursuant to the Federal Communications Commission's Notice of Proposed Rule Making in the above-referenced matter, hereby respectfully submits these Comments responsive to the Commission's proposal to implement regulatory fees for Fiscal Year 1994.¹

I. PRELIMINARY STATEMENT

1. The Industrial Telecommunications Association, formerly the Special Industrial Radio Service Association, Inc., is an association organized under the laws of the District of Columbia. ITA is the Commission's certified frequency coordinator for the

¹ Notice of Proposed Rule Making (FCC 94-46), MD Docket No. 94-19, adopted March 4, 1994, released March 11, 1994, (hereinafter "Notice").

Special Industrial Radio Service and the Industrial/Land Transportation 800/900 MHz frequency "pools." ITA also coordinates channels from the general access pool for those entities (a) eligible to become Industrial/Land Transportation licensees, (b) wishing to expand trunked systems, or (c) consolidating conventional systems into a trunked system. ITA coordinates in excess of 6,000 applications per year on behalf of applicants seeking Commission authority to operate radio stations on frequency assignments allocated to the Special Industrial Radio Service and the enumerated 800/900 MHz frequency "pools."

2. ITA enjoys the support of a membership that includes more than 8,600 licensed two-way land mobile radio communications users and the following trade associations:

- Alliance of Motion Picture and Television Producers
- American Mining Congress
- Associated Builders & Contractors, Inc.
- Florida Citrus Processors Association
- Florida Fruit & Vegetable Association
- National Aggregates Association
- National Agricultural Aviation Association
- National Food Processors Association
- National Propane Gas Association
- National Ready-Mixed Concrete Association
- National Utility Contractors Association
- New England Fuel Institute
- United States Telephone Association

II. COMMENTS

3. The Commission's proposal does not provide extensive detail on how the collection of regulatory fees would work in the context of private radio applications. Many of the private radio applications that will require advance payment of the five-year regulatory fee are also subject to frequency coordination before being filed with the Commission. The proposal does not indicate how much flexibility will be available to applicants and the coordinators regarding payment procedures.

4. Currently, there is a great deal of flexibility with respect to payment of the application fees required under Section 1.1102 of the Commission's rules. Applicants have the option of providing a check to cover the application fees at the same time as they submit the underlying application to the responsible frequency coordinating committee. Alternatively, the coordinator may issue a check on behalf of the applicant and bill the applicant's account, or simply obtain a check from the applicant before filing the application with the lockbox bank facility in Pittsburgh. ITA believes that applicants and frequency coordinators should have the same flexibility with respect to payment of advance regulatory fees that must accompany new or reinstatement applications.

5. Additionally, ITA believes the Commission should clarify the situations in which FCC Form 159 will be required. As the

Commission is aware, for most private radio applications, applicants merely submit the application fee, if required, without an accompanying Form 155. It appears that the Commission intends to take the same approach regarding Form 159.² However, the proposal does not set forth rules that address this point definitively. ITA urges the Commission to clarify the circumstances that will require submission of Form 159 and, in particular, any situations in which private radio applicants will have to file this form.

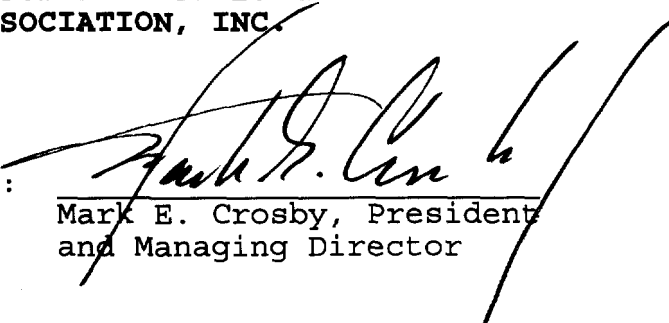
6. ITA enthusiastically supports the proposal to permit applicants and licensees to submit regulatory fee payments by electronic means. ITA believes that, for both fee payments as well as applications, it is imperative that the Commission provide an option for electronic filings. ITA has played a key role in developing an experimental program for submitting application information to the Commission electronically. ITA believes that the Commission must take the next step of adopting standard procedures to promote routine electronic transfer of both fees and applications. For this reason, ITA urges the Commission to adopt the proposed electronic payment provisions.

² Footnote 62 of the proposal states, for example, that "[a]ll non-private radio section 9 regulatory fee payors must use FCC Form 159/159S when submitting single or multiple regulatory fees".

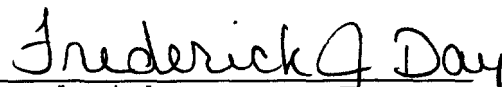
WHEREFORE, THE PREMISES CONSIDERED, the Industrial Telecommunications Association, Inc. respectfully submits these Comments and urges the Federal Communications Commission to act in accordance with the views expressed herein.

**INDUSTRIAL TELECOMMUNICATIONS
ASSOCIATION, INC.**

By:


Mark E. Crosby, President
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By:


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April 7, 1994